

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA)	
)	Criminal No.: 3:00-CR-400-P
v.)	
)	Judge Jorge A. Solis
MARTIN NEWS AGENCY, INC.; and)	
BENNETT T. MARTIN,)	
)	FILED: May 25, 2001
Defendants.)	

MEMORANDUM IN SUPPORT OF THE
MOTION OF THE UNITED STATES FOR PRODUCTION
OF PRIOR STATEMENTS OF DEFENDANTS' WITNESSES

Rule 26.2 of the Federal Rules of Criminal Procedure provides that upon motion by the United States, after a defense witness testifies on direct examination, the court shall order the defendant and the defendant's attorneys to produce, for the examination and use of the United States at trial, statements of the defendant's witnesses that are in the possession of the defendant and the defendant's attorney and that relate to the subject matter concerning which the witness testified.

Under subsection (f), a "statement" includes:

- (1) a written statement made by the witness that is signed or otherwise adopted or approved by the witness;
- (2) a substantially verbatim recital of an oral statement made by the witness that is recorded contemporaneously with the making of the oral statement and that is contained in a stenographic, mechanical, electrical, or other recording or a transcription thereof.

Accordingly, the United States respectfully requests that this Court, pursuant to Rule 26.2 of the Federal Rules of Criminal Procedure, order the defendants and their attorneys to produce, after

each witness called by the defendants has testified on direct examination, any and all statements made by that witness, other than statements made by the individual defendant Bennett T. Martin, that are in the possession of the defendants and their attorneys and that relate to the subject matter concerning which the witness will testify.

Respectfully Submitted,

SCOTT M. WATSON
Chief, Cleveland Field Office

“/s/”
RICHARD T. HAMILTON, JR.
Ohio Bar Number--0042399

MICHAEL F. WOOD
District of Columbia Bar Number--376312

KIMBERLY A. SMITH
Ohio Bar Number--0069513

SARAH L. WAGNER
Texas Bar Number--24013700

Attorneys, Antitrust Division
U.S. Department of Justice
Plaza 9 Building, Suite 700
55 Erieview Plaza
Cleveland, OH 44114-1816
Telephone: (216) 522-4107
FAX: (216) 522-8332